

## REMARKS

With the entry of this Amendment, claims 12-23 will be pending in this patent application.

In this paper, Applicant has canceled claims 1-11 and has introduced new claims 12-22. New claims 12 and 17 include subject matter that had been recited in original claims 1, 2 and 3. New claim 13 includes subject matter disclosed in the specification on page 8, lines 3-12. New claim 14 includes subject matter that had been recited in original claims 4 and 6. New claims 15 and 16 include subject matter that had been recited in original claims 4, 6, 7 and 8. New claim 18 includes subject matter that had been recited in original claim 5. New claim 19 includes subject matter that had been recited in original claims 9 and 10, as well as subject matter disclosed in drawing Fig. 1(b) and in the specification on page 8, lines 10-12. New claim 20 includes subject matter that had been recited in original claim 10. New claim 21 includes subject matter that had been recited in original claim 11, as well as subject matter disclosed in the specification on page 3, lines 3-15, and page 11, line 18, through page 12, line 5. New claim 22 includes subject matter that had been recited in original claim 9, as well as subject matter disclosed in the specification on page 8, lines 13-15.

## INFORMATION DISCLOSURE STATEMENT

Concurrently with the filing of this paper, Applicant is filing an Information Disclosure Statement (IDS) citing and providing copies of two documents cited, but not considered by the Examiner, in an IDS filed in this application on April 22, 2005. In the IDS filed today, Cite No. BB is the same document, correctly identified, as Cite No. BA in the earlier IDS.

## PRIOR ART REJECTION I

Claims 1, 2, 5 and 11 were rejected under 35 USC 102(b) as being anticipated by GB 546975 (GB '975). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 12-22, as now presented.

Independent claim 12 recites a tire with a rotation timing indicating hole that includes a first step on a tire tread surface side and a smaller second step on a bottom side. Claim 12 also

recites one of the steps as having a contour with straight lines and the other as having a contour with curved lines. The method of independent claim 21 also calls for a smaller second step and steps having contours with straight and curved lines.

In the GB '975 tire, holes 5 are provided to increase flexibility and improving cooling. As shown in Figures 6 to 10, holes 5 may have varying shapes such as circular, rectangular, square, diamond, triangular or polygonal. The holes 5 are *not* employed for indicating a rotation timing. As shown in Figure 13, holes 5 may have rounded bases 11. However, the rounded base 11 is clearly larger than an upper portion, and there are no features of these holes that could be fairly characterized as first and second steps. The GB '975 tire does not have a feature that could be fairly characterized as a wear indicating portion, in addition to the holes 5.

In view of the foregoing observations, Applicant submits that the disclosure in GB '975 cannot properly serve as a basis for rejecting independent claims 12 or 21 or any of claims 13-20 and 22, as now presented, under 35 USC 102(b).

#### PRIOR ART REJECTION II

Claims 1, 2 and 11 were rejected under 35 USC 102(b) as being anticipated by US Re. 30518 (French). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 12-20, as now presented.

French discloses a tire with tread having slots 6 that serve as wear indicators whose contour changes from a first pattern to a second pattern to indicate wear. As shown in Figs. 3 and 4 of French, the walls forming the slots are straight. None of the walls forming the slots can be fairly characterized as being curved. That is, they do not have a contour with curved lines. Furthermore, there is no feature of the slots that can be fairly characterized as first and second steps. In Applicant's disclosed and claimed invention, a second step of a rotation timing indication hole is smaller than a first step of the hole, one of the steps has a contour with straight lines and the other step has a contour with curved lines, and thereby, rotation timing can be indicated clearly at a stepped portion formed between the first step and the second step. A second rotation timing can be indicated at a bottom of the second step of the hole.

In view of the foregoing observations, Applicant submits that the disclosure in French cannot properly serve as a basis for rejecting independent claims 12 or 21 or any of claims 13-20 and 22, as now presented, under 35 USC 102(b).

### PRIOR ART REJECTION III

Claim 11 was rejected under 35 USC 102(a),(b),(c) as being anticipated by US 2002/0036039 (Shimura). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 21 and 22, as now presented.

As shown in Figs. 7(a)-(d) and 8(a)-(d), of Shimura a the shape of a mark portion 20, or slot, in a tire tread changes as the tread wears. For the mark portion shown in Figs. 7(a)-(d), the shape schanges from a square to a rectangle, as observed by the Examiner. For the mark portion shown in Figs. 8(a)-(d), the shape changes from a circle to an oval or ellipse. In the Shimura tire, the shape of the mark portion changes steplessly as wear to the tread occurs. There are no features of the mark portions in the Shimura tire that can be fairly characterized as first and second steps, much less one step having a contour with straight lines and another step having a contour with curved lines, as recited in Applicant's claims. Accordingly, the shape of the mark portion does not change in steps from a first shape to a second shape different from the first shape. In Applicant's invention, a rotation timing indication hole has steps, a contour of the hole changes at a stepped portion during wear, and rotation timing can be clearly indicated by the stepwise change. A second rotation timing can be indicated at a bottom of a second step of the hole.

In view of the foregoing observations, Applicant submits that Shimura cannot properly serve as a basis for rejecting independent claim 21 or dependent claim 22, as now presented, under 35 USC 102(a),(b),(c).

### PRIOR ART REJECTION IV

Claims 1-4, 7 and 11 were rejected under 35 USC 102(b) as being anticipated by SU 408333 (SU '333). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 12-22, as now presented.

The tread wear indicators disclosed by SU '333 are formed as projections in the shape of a stepped pyramid. According to the abstract of SU '333, the indicator can be formed as an opening (of unspecified shape) in a projection. Applicant does not agree with the Examiner that, alternatively, SU '333 discloses an opening, shaped as a stepped pyramid, in a projection. In any event, the indicators disclosed in SU '333 cannot be fairly characterized as having one step having a contour with straight lines and another step having a contour with curved lines, as recited in Applicant's claims.

In view of the foregoing observations, Applicant submits that SU '333 cannot properly serve as a basis for rejecting independent claims 12 or 21 or any of claims 13-20 and 22, as now presented, under 35 USC 102(b).

#### PRIOR ART REJECTION V

Claims 1-11 were rejected under 35 USC 103(a) as being unpatentable over JP 55-110608 A (JP '608) in view of SU 333, Shimura and French and, optionally, US 5980668 (Slingluff). Applicant traverses this rejection insofar as it might be deemed applicable to any of claims 12-22, as now presented.

JP '608 discloses that a tread comprises a stepped hole 17 with a tetragonal shape for indicating wear. When a first step of the hole disappears, a first rotation is carried out and when a second step of the hole disappears, a second rotation is carried out. However, JP '608 does not disclose using different shapes for the upper and lower portions of the stepped hole and does not disclose the combination of such a hole and a wear indicator. In the present invention, a contour of the hole changes at a stepped portion during wear.

Because of significant dissimilarities in the disclosed tires, Applicant does not agree with the Examiner's proposal to modify the wear indicating hole of the JP '608 tire in view of teachings in SU '333, Shimura, French and, optionally, Slingluff. Moreover, for reasons presented above, Applicant submits that even if the JP '608 tire were modified as proposed by the Examiner, the resulting tire could not meet the clear requirements of Applicant's claims.

In view of the foregoing observations, Applicant submits that no reasonable combination of the disclosures in JP '608, SU '333, Shimura, French and Slingluff can properly serve as a basis for rejecting independent claims 12 or 21 or any of claims 13-20 and 22, as now presented, under 35 USC 103(a).

#### OTHER PRIOR ART

Applicant has considered the other prior art cited by the Examiner. Applicant is not commenting on this prior art, because it was not applied against the claims in this application.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in this application, the Examiner is invited to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number provided below, so that these matters can be resolved expeditiously.

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Respectfully submitted,

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